

By: Brown of Brazos, Chavez, et al. H.B. No. 135  
(Senate Sponsor - Shapiro)  
(In the Senate - Received from the House April 28, 2003;  
May 1, 2003, read first time and referred to Committee on Business  
and Commerce; May 19, 2003, reported favorably by the following  
vote: Yeas 9, Nays 0; May 19, 2003, sent to printer.)

A BILL TO BE ENTITLED  
AN ACT

relating to the requirements of an auctioneer's license.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1802.052, Occupations Code, is amended  
to read as follows:

Sec. 1802.052. ELIGIBILITY FOR AUCTIONEER'S LICENSE. (a)  
An individual is eligible for an auctioneer's license if the  
individual:

(1) is at least 18 years of age;

(2) is a citizen of the United States or a legal alien;  
[and]

(3) either:

(A) passes a written or oral examination  
demonstrating knowledge of the auction business and of the laws of  
this state relating to the auction business; or

(B) shows proof of employment by a licensed  
auctioneer for at least two years [~~one year~~] during which the  
applicant participated in at least 10 [~~five~~] auctions;

(4) holds a high school diploma or a high school  
equivalency certificate;

(5) has not been convicted of a felony during the five  
years preceding the date of application; and

(6) has completed at least 80 hours of classroom  
instruction at an auction school with a curriculum approved by the  
department in accordance with the standards and procedures  
established by rule adopted under this chapter.

(b) The department, as provided by rule, may charge an  
auction school a reasonable fee for approving the curriculum as  
required under Subsection (a)(6).

SECTION 2. Subchapter B, Chapter 1802, Occupations Code, is  
amended by adding Section 1802.062 to read as follows:

Sec. 1802.062. LICENSE NOT REQUIRED FOR CERTAIN EMPLOYEES.  
An employee of an auction company who does not act as a bid caller at  
any auction in this state is not required to hold a license under  
this chapter.

SECTION 3. Not later than January 1, 2004, the executive  
director of the Texas Department of Licensing and Regulation shall  
adopt the rules required by Section 1802.052, Occupations Code, as  
amended by this Act.

SECTION 4. (a) Except as provided by Subsection (b) of this  
section, the changes in law made by this Act to Section 1802.052,  
Occupations Code, apply only to an application for an auctioneer's  
license filed on or after the effective date of this Act. An  
application for an auctioneer's license filed before the effective  
date of this Act is governed by the law in effect on the date the  
application was filed, and the former law is continued in effect for  
that purpose.

(b) An applicant for an auctioneer's license who files an  
application on or before January 1, 2004, is not required to have  
completed the 80 hours of classroom instruction required by Section  
1802.052(a)(6), Occupations Code, as added by this Act.

SECTION 5. This Act takes effect September 1, 2003.

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